



**Sughrue**

SUGHRUE MION, PLLC



2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

T 202.293.7060

F 202.293.7860

www.sughrue.com

**Gary D. Krugman**

T (202) 663-7484

gkrugman@sughrue.com

May 30, 2006

**TTAB**

***Via Hand Delivery***

**TRANSMITTAL LETTER TO TTAB**

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Notice of Opposition  
Marks Opposed: sexynwicked.com  
Serial No.: 78/561,742  
Applicant: *Stanley L. Whitman*  
Our Ref.: 201-180

Dear Sir:

Enclosed herewith is a Notice of Opposition against the registration of the "sexynwicked.com" mark which is the subject of Application Serial No. 78/561,742.

Enclosed is a check for \$300, believed to be the fee in connection with this notice of opposition. Please charge any difference or credit any overpayment to the undersigned's Deposit Account 19-4880.

Please institute the opposition against the above-identified application, and send notice of the institution to the undersigned in due course.

Respectfully submitted,

SBO PICTURES, INC. d/b/a  
WICKED PICTURES

By: \_\_\_\_\_

  
Gary D. Krugman

Attorney for Opposer

GDK/mwp

Enclosures: Notice of Opposition  
Check for \$300

1927602\_1.DOC



05-30-2006

U.S. Patent & TMO/TM Mail Rpt Dt. #1

Washington, DC ~ Tokyo ~ Silicon Valley ~ San Diego

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 78/561,742  
Trademark: sexynwicked.com

SBO Pictures, Inc. d/b/a Wicked Pictures,

Opposer,

v.

Stanley L. Whitman,

Applicant.

Opposition No.: \_\_\_\_\_

**NOTICE OF OPPOSITION**

SBO Pictures, Inc., d/b/a Wicked Pictures, a California corporation with a business address of 9040 Eton Avenue, Canoga Park, California 91304-1616, believes that it will be damaged by registration of the mark "sexynwicked.com" which is the subject of Application Serial No. 78/561,742 and hereby opposes registration of said mark.

As grounds for opposition, it is alleged that:

1. Opposer is engaged in the business of producing and selling products and rendering services in the field of adult entertainment. These products and services in the adult entertainment field include, but are not limited to the production and sale of videocassette tapes, compact disc-CD ROMS, digital video discs, magazines and other publications, motion picture production services, on-line computer ordering services featuring adult novelties and entertainment products, providing on-line global computer web site services featuring adult entertainment graphics, pictures, photos, and magazine articles.

2. Since at least as early as March 1, 1993, and since long prior to any date of first use that can be relied on by Applicant, Opposer has continuously used the trade name and trademark WICKED PICTURES to identify its business and its line of adult entertainment products and services up to and including the present time.

3. In addition, Opposer owns the following trademark registrations [WICKED marks].

Mark	Registration No.	First Use Date	Goods/Services
WICKEDWEB	2,551,470	March 1, 1996	On-line ordering services featuring adult novelties and entertainment goods and services; providing an on-line global computer website featuring adult entertainment graphics, pictures, photos, and audio-visual works; computer services, namely providing on-line via a global computer network magazine articles in adult entertainment.
WICKED PICTURES	2,408,286	March 1, 1993	Prerecorded videocassette tapes, compact disc-read only memory (CD-ROM), digital video disc (DVD), featuring adult entertainment.
WICKED PICTURES	2,475,020	March 1, 1996	Electronic publications downloadable from an online computer website, namely, magazine articles, pictures, photographs, and graphic images in the field of adult entertainment; on-line ordering services featuring adult novelties and entertainment products; entertainment services, namely, providing an on-line computer website featuring adult entertainment graphics, pictures and photos.
WICKED PICTURES	2,459,144	March 1, 1993	Motion picture film production.
WICKED NEWS	2,274,335	July 1, 1995	Newspaper, journal or newsletter with articles and graphics in the field of adult entertainment.
WICKED	2,473,950	January 7, 1999	Gels for use as personal lubricant; personal vibrators; sexual aids, namely, devices for massaging and stimulating the genitals, anus and other parts of the body; devices for aiding in copulation and masturbation, namely, reproductions of the parts of the male and female

Mark	Registration No.	First Use Date	Goods/Services
			anatomy; pumps; stimulators; body prostheses; adult sexual novelties, namely, dolls, genital replica toy figures, and promotional game cares.
WICKED PICTURES and Design	2,428,693	June 27, 1997	Clothing, namely shirts, T-shirts, hats, caps, jackets, coats, shorts, pants, pajamas, robes, underwear, lingerie and bras.
WICKED PICTURES and Design	2,322,874	March 1, 1996	On-line ordering services featuring adult novelties and entertainment products; providing an on-line global computer website featuring adult entertainment graphics, pictures, and photos; computer services, namely, providing on-line via a global computer network magazine articles in adult entertainment.
WICKED PICTURES and Design	2,322,873	March 1, 1993	Motion pictures studio.
WICKED PICTURES	2,322,872	July 1, 1997	Magazines in the field of adult entertainment.
WICKED PICTURES and Design	2,322,871	March 1, 1993	Prerecorded videocassette tapes, compact disc-read only memory (CD-ROM), digital video disc (DVD), featuring adult entertainment.

4. By virtue of its long use of WICKED PICTURES and its other WICKED marks for products and services in the adult entertainment field, Opposer's WICKED marks have become well known and have come to be exclusively associated with Opposer and with products and services emanating from Opposer.

5. Applicant, on February 7, 2005, filed an application to register the mark "sexynwicked.com" for "website services featuring online dating club with personal ads for common adults that are not entertainers, performers, or celebrities of any kind."

6. Opposer believes and therefore alleges that the use and registration of the mark "sexynwicked.com" covered by Application Serial No. 78/561,742 will damage Opposer, for the reasons among others:

a) That customers and purchasers of the respective goods/services would be confused, mistaken or deceived as to the source or origin of Applicant's services sold under the mark opposed herein; and

b) That customers and purchasers of the respective goods/services will assume, contrary to fact, that Applicant's services are associated with, sponsored by, approved by or otherwise related to or affiliated with Opposer, when such is not the case.

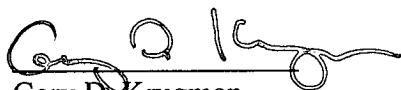
7. Applicant's asserted mark "sexynwicked.com" so resembles Opposer's previously used trade name WICKED PICTURES and, further, so resembles Opposer's previously used WICKED trademarks comprising WICKED PICTURES and/or other WICKED marks as to be likely, when applied to the services set forth in Applicant's application, to cause confusion, mistake or to deceived within the meaning of 15 U.S.C. Section 1052(d).

WHEREFORE, Opposer respectfully prays that this opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

SBO PICTURES, INC/ d/b/a  
WICKED PICTURES

By:



Gary D. Krugman  
Leigh Ann Lindquist  
Attorneys for Opposer  
Sughrue Mion, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 663-7484  
Facsimile: (202) 293-7860

**Date:** May 30, 2006